

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVIDSON HENAO and MIGUEL MERO,)	
individually and on behalf of other similarly)	Case No. <u>1:19-cv-10720-LGS</u>
situated persons,)	
)	
Plaintiffs,)	APPLICATION FOR A
v.)	TEMPORARY RESTRAINING
)	ORDER AND ORDER TO SHOW
PARTS AUTHORITY, LLC,)	CAUSE RE PRELIMINARY
PARTS AUTHORITY, INC.,)	INJUNCTION
and NORTHEAST LOGISTICS,)	
INC. d/b/a "DILIGENT DELIVERY)	
STSTEMS,")	
)	
)	
Defendants.)	
-----X)	

Upon the complaint on file herein, Plaintiffs' memorandum of law in support of this Application for a Temporary Restraining Order and Order to Show Cause re Preliminary Injunction, the Declaration of Angel Santiago and exhibit thereto, and the Declaration of Jeremiah Frei-Pearson and exhibits thereto, Plaintiffs Davidson Henao and Miguel Mero (collectively, "Plaintiffs"), by their undersigned attorneys, hereby move the Court for the following relief:

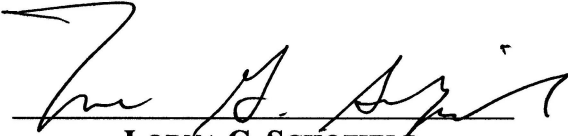
1. Entry of a temporary restraining order without notice pursuant to Fed. R. Civ. P. 65(b) prohibiting Defendants Parts Authority, LLC, Parts Authority, Inc. and Northeast Logistics, Inc., d/b/a "Diligent Delivery Systems" (collectively, "Defendants") from further attempts to allegedly settle the claims of putative Fair Labor Standards Act ("FLSA") collective members outside the participation of Plaintiffs' counsel.
2. Entry of an order to show cause why a preliminary injunction should not be issued under Fed. R. Civ. P. 65 prohibiting Defendants from further attempts to allegedly settle the

claims of putative FLSA collective members outside the participation of Plaintiffs' counsel.

WHEREFORE, Plaintiffs request entry of a temporary restraining order and an order to show cause why a preliminary injunction should not issue under Rule 65 of the Federal Rules of Civil Procedure; and that Defendants be prohibited from further attempts to allegedly settle the claims of putative FLSA collective members outside the participation of Plaintiffs' counsel.

Dated: November 22, 2019
White Plains, NY

Plaintiffs' Application for a Temporary Restraining Order and Order to Show Cause re Preliminary Injunction is DENIED as moot, in light of the parties' recently submitted stipulation re communications with putative class members (Dkt. No. 70). The Clerk of Court is respectfully directed to close the open motion at Dkt. No. 10. SO ORDERED.
Dated: January 29, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Respectfully Submitted,

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